

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

US DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FILED

FEB 01 2017

DOUGLAS F. YOUNG, Clerk  
By

~~Deputy Clerk~~  
PLAINTIFF

JOHN SMITH

v.

No. 17-2019

DOLGENCORP, LLC  
& JOHN DOES 1 - X

DEFENDANTS

**NOTICE OF REMOVAL**

Dolgencorp, LLC (hereinafter, "Dolgencorp") hereby removes this action from the Circuit Court of Sebastian County, Arkansas, to the United States District Court for the Western District of Arkansas, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support of removal, Dolgencorp states as follows:

1. On January 9, 2017, plaintiff filed a complaint in the Fort Smith District, Circuit Court of Sebastian County, Arkansas, styled *John Smith vs. Dolgencorp, LLC & John Does 1 - X*, No. 66FCV-17-10.

2. Plaintiff effected service of the complaint and summons on Dolgencorp on or about January 20, 2017. Copies of the summons and complaint are attached as Ex. A. No other process, pleading, or order has been served by or on Dolgencorp in the state-court action.

3. This notice of removal is timely filed. *See* 28 U.S.C. § 1446(b).

4. The complaint is one that properly could have been filed in this Court under 28 U.S.C. § 1332, and removal is therefore appropriate. 28 U.S.C. § 1441(a). As alleged in the complaint, plaintiff is a resident of the state of Arkansas. Dolgencorp is a Kentucky limited liability company with its principal place of business in Tennessee. Diversity is therefore not disputed. The amount-in-controversy requirement is also satisfied because, based upon

information and belief, plaintiff's medical bills resulting from the allegations in the complaint exceed \$100,000, which is in excess of the federal jurisdictional requirement of \$75,000. 28 U.S.C. § 1332. *Bell v. Hershey Co.*, 557 F.3d 953, 959 (8th Cir. 2009).

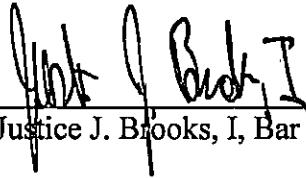
5. This Court has subject matter jurisdiction over plaintiff's claims pursuant to 28 U.S.C. § 1332. This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

6. Venue is proper in the Western District of Arkansas because this District embraces Sebastian County, Arkansas, the place where the state-court action was pending.

7. Dolgencorp will serve on counsel for plaintiff a true and correct copy of this notice of removal and will file a notice of removal with the clerk of the Fort Smith District, Circuit Court of Sebastian County. *See* 28 U.S.C. § 1446(d).

WHEREFORE, Dolgencorp, LLC removes this action to the United States District Court for the Western District of Arkansas, and asks this Court to assert jurisdiction over the subject matter.

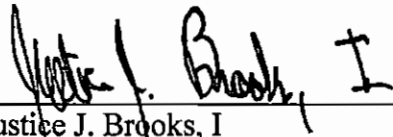
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By:   
Justice J. Brooks, I, Bar I.D. #2014177  
*Attorneys for Dolgencorp*

### CERTIFICATE OF SERVICE

I hereby certify that, on this 31<sup>st</sup> day of January, 2017, a copy of the foregoing was served by United States mail, postage prepaid, upon plaintiff's counsel:

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Craig L. Cook  
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Justice J. Brooks, I